



Paper No. 8

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AUG 27 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of
Atsushi Tanaka et al.
Application No. 09/526,463
Filed: March 16, 2000
Attorney's Docket No. 862.C1861

This is a decision on the petition filed April 30, 2002 under 37 CFR 1.182, to vacate the previous claim for priority.

It should be noted that 37 CFR 1.182 is reserved for situations not specifically provided for in the regulations. Pursuant to 35 USC 1.119 and 37 CFR 1.63, the requirement is that the claim for priority be made in the oath or declaration during the pendency of the application.

Since petitioner has supplied a substitute declaration correctly identifying the Japanese application for which priority is claimed and a claim for priority, there is no need for a petition and the action requested is not necessary.

Accordingly, the petition under 37 CFR 1.182 is **DISMISSED AS MOOT**. The petition fee in the amount of \$130.00 will be credited back to deposit account no. 06-1205.

This application is remanded to Technology Center 2600 for further examination.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.

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